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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,595	10/24/2001	Evan Scheessele	10016301 -1	1256

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER	
LIM, KRISNA	
ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,595

Applicant(s)

SCHEESSELE, EVAN

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 1-24 are presented for examination.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the each details steps of claims of claims 1-24, data collection sensors, a network, a network sever, the web, interaction of a user to set the updated download time, user indication on a display, Bluetooth-compliant receiver, Bluetooth compliant transmitter, etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Applicants are required to submit a proposed drawing correction in response to this Office Action. However, the formal drawings of the correction of the noted defect

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can be deferred until the application is allowed by the examiner. Moreover, the applicant is reminded of the provisions of M.P.E.P 608.02(r) regarding separate letter of the draftsman.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cobb [U.S. Patent No. 5,771,001] in view of Brzezinski et al. [5,570,297].

6. Cobb discloses (e.g., see Figs. 1-6) the invention substantially as claimed. Taking claim 22 as an exemplary claim, the reference discloses a personal digital apparatus (10) that performs opportunistic downloading of data (col. 1, lines 49-53) to a download device (30), the personal digital apparatus (10) comprising:

- a) at least one sensor that accumulates data (62, 68, 69, col. 4);
- b) memory that store the accumulated data (relay station 12, col. 4); and
- c) a transmitter that transmits the accumulated data (20, 41, col. 4).

7. Cobb does not explicitly detail the controller comprising: means for polling operation and the polling time and means for determining if the polling operation is unsuccessful at the polling time and generating an updated polling time in response to a predetermined number of polling operation failures. It would have been obvious to one of ordinary skill in the art to recognize that such polling operations would have been obviously detail steps of synchronizing data transfer between a sender and a receiver devices because in order to synchronize the polling step must be perform. Moreover, such controller (e.g., see means for synchronizing (obvious contain polling steps in

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order to synchronize, etc. see Figs. 3-6) the data transfer between a portable information device (20) and the computer (10) is clearly taught by Brzezinski et al. (e.g., see the abstract). As suggested by Cobb, his system is not limited to this specific application, but his system can be practiced on other embodiment and it can carry out in various ways (e.g., see col. 2). Thus, it would have been obvious to one of ordinary skill in the art to incorporate the synchronization of the data transfer rate for downloading data of Brzezinski into the Cobb's transmitter system in order to enhance the data transfer between the sender and the receiver.

8. As to claims 23-24, both of Cobb and Brzezinski may not explicitly mention that their transmitter and receiver are Bluetooth-compliant. Bluetooth is well known standard protocol for short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices. Thus, it would have been a desirable feature to have Cobb's and Brzezinski's transmitter and receiver comply with Bluetooth protocol.

9. As to claims 1-21, they are the method claims of claims 22-24. Thus, they are also rejected for same reason of claims 22-24 because they are similar in scope of claims 22-24 with the addition features of:
a wristwatch-type device (see 22 of Cobb, 22 of Brzezinski), a predetermined desired downloaded device (32 of Cobb) and a printer, a network and network server which are well know device.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the

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period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

March 11, 2005



KRISNA LIM
PRIMARY EXAMINER